

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEBRASKA

PROFESSIONAL FIREFIGHTERS)	
ASSOCIATION OF OMAHA,)	Case No. 8:10cv198
LOCAL 385, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	ORDER
)	
CITY OF OMAHA, NEBRASKA, et al.)	
)	
Defendants.)	

THIS MATTER is before the Court to approve the proposed notice of class certification. Being fully advised in the premises, the Court orders the Defendants to provide to current employees of the City of Omaha who are either eligible for or will become eligible for group retiree health benefits pursuant to rights established by City Ordinance or Collective Bargaining Agreements on or Prior to May 18, 2010, a copy of the notice attached hereto as Exhibit A, by electronic mail, hand delivery, or regular United States mail.

It is so ordered.

Dated August 30, 2010.

BY THE COURT:

/s/ Joseph F. Bataillon
CHIEF UNITED STATES
DISTRICT COURT JUDGE

Prepared and submitted by:

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Approved as to Form and Content by:

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ATTORNEYS FOR PLAINTIFFS

EXHIBIT A

NOTICE

TO: All Retired Former City Employees of the City of Omaha and Current Employees Who Are Either Eligible For or Will Become Eligible for Group Retiree Health Benefits Pursuant to Rights Established by City Ordinance or Collective Bargaining Agreements on or Prior to May 18, 2010

FROM: John E. Corrigan, Michael P. Dowd and Timothy S. Dowd
Dowd Howard & Corrigan, LLC
Counsel for Class Plaintiffs

RE: Federal Lawsuit Filed against the City of Omaha to Enjoin the City from Altering Retiree Health Coverage Benefits in Violation of State or Federal Law and Your Right to Participate in the Lawsuit

DATE: [to be filled in when notice is sent]

The purpose of this notice is to inform you of the existence of a collective action lawsuit brought in the United States District Court for the District of Nebraska which you may be a member of the Plaintiff class, to advise you of how your rights may be affected by this suit, and to instruct you on the procedure for excluding yourself from participation in the suit if you so desire.

A group of current and former employees of the City of Omaha have filed a lawsuit brought in the United States District Court for the District of Nebraska against the City of Omaha. The name of the case and the case number of the lawsuit is: *Professional Firefighters Association of Omaha, Local 385, et al (Plaintiffs) v. City of Omaha, et al (Defendants)*, Case No. 8:10-CV -198-JFB- TDT.

The Plaintiffs claim that the Omaha City Council's actions of May 18, 2010 in adopting an ordinance altering group health care benefits for retired individuals and those that will retire, and altering the contribution amounts required from retired individuals and those that will retire in a manner inconsistent with that established either by ordinance or by collective bargaining, was in violation of constitutional and contractual rights held by the Plaintiffs. In this case, they are suing to obtain declaratory relief and the Court has entered a preliminary injunction which has prevented the ordinance from taking effect. Plaintiffs are also seeking attorneys fees and costs associated with the action.

Defendant City of Omaha denies Plaintiffs' claims and states that any actions of the City of Omaha were necessary and lawful in all respects.

The Court has found that a class of retired and active employees is appropriate, that the Plaintiffs are similarly situated to each other and that the Plaintiffs are so numerous that a joinder of all members is impractical, that questions of law in fact are common to all class members, and the claims or defenses of the representative parties are typical of the claims or defenses of the class, and that the representative parties will fairly and adequately protect the interest of the class. A class member may enter an appearance through their own counsel if the member so desires.

The Court will exclude from the class any member who requests such exclusion. Should you wish to be excluded from the class, please contact the attorneys for the Class Plaintiffs, John E. Corrigan, Michael P. Dowd or Timothy S. Dowd of Dowd Howard & Corrigan LLC, 1411 Harney Street, Suite 100, Omaha, NE 68102. **You must contact Class Plaintiffs' counsel and advise that you do not wish to be a member of the class within fourteen days of receipt of this notice.**

If you do not exclude yourself from the class, you will be affected by any final judgment in this case with respect to the claims and defenses of the Plaintiffs and Defendants as identified. There is no guarantee that the Court will rule in favor of the Plaintiffs or in favor of the Defendants.